UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

DANNY PARKER,)	
)	
Plaintiff,)	
)	
v.)	No. 4:08-CV-757 CAS
)	
DEPARTMENT OF CORRECTIONS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. The motion will be provisionally granted. In addition, the Court will transfer this case to the United States District Court for the Western District of Missouri pursuant to 28 U.S.C. § 1406(b).

Plaintiff brings this action under 42 U.S.C. § 1983. All of the named defendants are located in the Western District of Missouri, and all of the events described in the complaint occurred in the Western District of Missouri. Under 28 U.S.C. § 1391(b), an action of this type may "be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought."

Because the defendants are located in the Western District, and because the events that gave rise to this case occurred in the Western District, venue is proper in the Western District of Missouri.

Under 28 U.S.C. § 1406(b), "The district court of a district in which is filed a case laying venue in

the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to

any district or division in which it could have been brought." Because plaintiff is proceeding pro se,

the Court finds that it is in the interest of justice to transfer this case to the United States District

Court for the Western District of Missouri.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis is

provisionally granted, subject to modification by the United States District Court for the Western

District of Missouri. [Doc. 2]

IT IS FURTHER ORDERED that the Clerk shall transfer this case to the United States

District Court for the Western District of Missouri. See 28 U.S.C. § 1406(b).

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE

Dated this 10th day of June, 2008.

2